

**Public Hearing on  
Bill 15-450 “Public Congestion and Venue Protection Act of  
2004”**

**Bill 15-912 “Increased Penalties for the Unauthorized Use of a  
Motor Vehicle Amendment Act of 2004”**

**Bill 15-972 “Juvenile Car Theft Solution Amendment Act of  
2004”**

**Committee on the Judiciary  
Honorable Kathy Patterson, Chair**

**Council of the District of Columbia**



**Testimony of Winston Robinson Jr.  
Assistant Chief, Special Service Command  
Metropolitan Police Department**

**September 23, 2004**

Madame Chair, members of the Committees, staff and guests – my name is Winston Robinson, and I am the Assistant Chief in charge of the Metropolitan Police Department’s Special Services Command. I thank you for the opportunity to present this opening statement on the three pieces of legislation before the Committee today. The text of my prepared statement is posted on the MPD’s website: [www.mpdcd.c.gov](http://www.mpdcd.c.gov).

Chief Ramsey regrets that he is unable to be here today; he has asked me to represent the Department. As Assistant Chief for Special Services, I oversee the operational and investigative units that will be most directly impacted by the three legislative proposals – specifically, the Special Operations Division, in the case of the “Public Congestion and Venue Protection Act,” and the Auto Theft Unit and the Youth and Preventive Services Division, in the case of the two auto-theft related bills. The Department has solicited input from the members of these units, as well as our patrol operations, concerning these bills. My testimony today reflects their input and expertise.

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Bill 15-450 – the “Public Congestion and Venue Protection Act of 2004” – would require venues that attract large numbers of people to inform the Metropolitan Police Department of their event schedule and to obtain adequate police presence at the event for the safety of the public.

The Department generally supports the proposed bill because it sets clear parameters and guidelines for venue operators to establish agreements with the MPD regarding reimbursable details. As you know, our Department is committed to maintaining a strong presence in our neighborhoods, which means keeping our PSA officers on patrol in their assigned communities. This bill would support that goal by requiring venue operators to notify the police ahead of time when they have events that are likely to cause congestion and are required to provide the necessary funds for officers to work reimbursable overtime at such events. This process should make it easier for the Department to identify volunteer officers to work these reimbursable details and, thus, allow us keep our regular PSA officers where they belong – out in the community.

While the MPD generally supports the intent of the legislation, there are some issues that we feel need to be clarified, however. First, it is unclear to us whether the law applies to both for-profit and not-for-profit venue operators and events. We think it is critical – for both the operators and the MPD – that this matter be clarified, as including not-for-profits would substantially increase the number of reimbursable details we would have to manage. Second, the legislation should make it clear that while venue operators can request reimbursable details from the MPD, it is the MPD – through our Special Operations Division – that will make all decisions about whether an event requires a detail and, if so, how many officers will be needed for the event. On a related matter, we need to ensure that this legislation is not used in any way by venue operators to get around their responsibilities to provide security for events inside their venues, nor should it be used to circumvent procedures for holding ABC license holders accountable for the operation and safety of their venues. In other words, this legislation should not leave any venue operators with the impression that they can somehow off-load their own responsibilities for safety onto the MPD.

The Department also recommends that language be added to the bill requiring that venue operators apply for reimbursable details at least 30 business days in advance of the event. Setting a specific time frame for notifying the MPD will further support our planning and operational efforts. And finally, the legislation should clarify that the term “on-duty officers” refers to officers working in an overtime capacity on a reimbursable detail, and not to officers working their regular tour of duty in the district or PSA. As I mentioned earlier, our

primary commitment – our primary responsibility – is to staff neighborhood patrols, and we will not diminish that commitment to accommodate these types of events. Toward this end, we recommend that the language in the emergency legislation indicating that staffing of reimbursable details is “subject to adequate staffing of the police service areas” be reinforced in the permanent legislation.

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The other two bills deal with the problem of auto theft. While auto theft remains a serious problem in the District, I am pleased to report that so far this year, according to preliminary statistics, the number of stolen autos is down by about 9 percent citywide – and down about 20 percent in the Sixth District, which has been a focus of our enforcement and prevention efforts. As you know, Mayor Williams announced a comprehensive plan earlier this year to combat auto theft, with increased accountability being a key element of that plan. The Department believes that the tougher penalties included in these bills – for both adult and juvenile auto theft offenders, as well as parents and guardians of juvenile offenders – are consistent with the Mayor’s strategy and will support our crime reduction efforts even further.

Bill 15-912 – the “Increased Penalties for the Unauthorized Use of a Motor Vehicle Amendment Act of 2004” – would amend the Theft and White Collar Crimes Act of 1982 by increasing the penalties for the unauthorized use of a motor vehicle. Our Department strongly supports the proposed bill in concept, but we do have a suggestion on strengthening the bill from an enforcement standpoint .

Specifically, we recommend that the mandatory minimum penalty should be increased for the third and subsequent offenses. In its current form, an offender convicted of a tenth UUV offense faces no stiffer penalty than an offender convicted of a second offense. Finally, we point out that the increase in penalties will have no impact on juvenile offenders, who represent an increasing percentage of auto theft and UUV suspects in our city, and who will continue to be processed in Family Court.

The Department also has comments on Bill 15-973 – the “Juvenile Car Theft Solution Amendment Act of 2004” – which would amend Title 16 of the DC Code to prescribe specific treatment and consequences for certain juveniles who have been adjudicated delinquent on a second or subsequent occasion for a vehicle theft offense. As with adult offenders, our Department vigorously supports legislative efforts to all hold juvenile auto thieves more accountable for their actions. I don’t need to tell the Committee or the public that in recent years, juvenile auto theft has reached epidemic levels in some of our neighborhoods. And while our Department supports increased accountability for juvenile offenders, we believe that the current bill does not go far enough in this regard. Following are some of the specific recommendations we have for strengthening the legislation:

- First, the bill needs to address first-time offenders. Accountability for juvenile auto thieves must begin with the first offense. Our Department’s relatively small OPAT program – Operation Prevent Auto Theft – has been targeting these first-time offenders and their parents/guardians for several months now, and we have been quite successful in reducing recidivism among these juveniles. If we wait for a second, third or subsequent offense before taking decisive action with juvenile auto thieves, then we have waited too long and have missed a golden opportunity to intervene in that young person’s life and interrupt a potential criminal career.

- Second, the Department believes that the bill should contain mandatory penalties for second and subsequent offenses. Specifically, we believe these offenses should carry a period of confinement – for example, at least 60 days – after which the child is placed on intensive probation for another set period of time. During the probation period, there should be clearly identified penalties for non-compliance.
- Third, we find the new subsection (i)(2)(b) to be vague. We believe that during the intensive probation period, the juvenile and his or her parents or guardians should be required to perform no less than 90 hours of community service and should have to attend parenting classes as well.
- Fourth, this subsection does not identify what constitute “a reasonable amount of restitution to the victim or victims of the offenses.” Restitution should be put in place for third and subsequent offenses, with clear guidelines and payment schedules. For particularly young offenders or in cases where the juvenile cannot work, parents or guardians should bear the responsibility for paying restitution to the victims.
- Finally, the proposed bill needs to address the issue of non-compliance by the juvenile and his or her parents or guardians. In order to hold these young offenders accountable, there need to be consequences for both first-time and repeat offenders who fail to comply with community service, counseling, restitution and other requirements. Depending on the situation, the consequences for juveniles could include time in the custody of the Youth Services Administration, extended time on probation, additional community service hours and the like. Non-compliance for parents and guardians should be a series of graduated sanctions as well, including possible loss of driving privileges, additional and substantial community service, weekend jail time, or even prosecution for criminal neglect.

Experience shows that family involvement is a critical ingredient in the successful rehabilitation of a young person within the juvenile justice system. To ensure the necessary level of family involvement among juvenile auto theft offenders, we believe that the proposed bill must contain strong provisions that hold parents and guardians accountable for the actions of their children.

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I want to thank the Committee for the opportunity to read this opening statement into the record. We believe that these are well intentioned pieces of legislation that address real problems and needs within the District of Columbia, but that these bills can be made even stronger and more effective with the recommendations we have put forth today. Our Department is prepared to work with the Committee on specific language to implement the recommendations outlined in this testimony.

Thank you again. Staff and I would be happy to address any questions you may have.